

EXHIBIT “5”

TOWN OF HARRISON N.Y. POLICE
DEPOSITION OF WITNESS
TO ACCOMPANY COMPLAINT OR INFORMATION
SEC. 100.20 CPL

REPORT # _____
DATE _____
PAGE 1 OF 1

NOTICE : FALSE STATEMENTS MADE HERIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR
PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

STATE OF NEW YORK, COUNTY OF WESTCHESTER, TOWN/VILLAGE OF HARRISON
SS.

Sofia Saenz 09/21/81, STATES AS FOLLOWS
(DEPONENT PRINT NAME AND DATE OF BIRTH)

At 9:00 pm Josh and I were leaving Annie's Cafe. Ralph drove by at the same moment. He stopped the car and got out. Ralph kept on asking to talk to me. I asked Josh to wait for me to talk to Ralph. Ralph got jealous that I had to ask Josh and started saying that I shouldn't ask for permission. Ralph was getting upset. He kept saying that he wanted to talk to me but I said it wasn't a good idea. Josh wanted me to go inside the restaurant and when he touched my head to lead me in, Ralph pushed his hand telling him not to touch me. Josh didn't like it and went to his car and took a bat. They started yelling and cursing at each other. I thought they were going to fight so I went in the restaurant. Police came.

SWORN TO BEFORE ME THIS _____
DAY OF _____ 20____

SIGNATURE

TITLE

[Signature]
SIGNATURE

ADDRESS: 150 Woodside Ave.
(STREET OR RURAL ROUTE)

West Harrison NY 10604
(POST OFFICE, STATE, ZIP CODE)

Home: 914 946 6902 Work: _____
(TELEPHONE)

**NOTE : THIS FORM NEED BE SWORN ONLY IF COURT SPECIFICALLY REQUIRES OATH.

EXHIBIT “6”

CLARK DVD

EXHIBIT “7”

EXHIBIT “8”

ORI No: NY059661J
 Order No: _____
 NYSID No: _____

At a term of the Harris
 at the Courthouse at (address) _____



OFFICE OF THE
 DISTRICT ATTORNEY
 WESTCHESTER COUNTY

Present: Hon JUDGE VOETSCH

BARBARA MASELLI EGENHAUS
 ASSISTANT DISTRICT ATTORNEY
 SPECIAL PROSECUTIONS DIVISION
 CHIEF DOMESTIC VIOLENCE BUREAU

People of the State of New York
 -against-

111 DR. MARTIN LUTHER KING JR. BLVD.
 WHITE PLAINS, NY 10601

914-995-30
 FAX: 914-995-34

RALPH TANCREDI

Defendant

Date of Birth: 03-20-1965

Charges _____

(Check one):

☒ Ex parte

☐ Defendant Present in Court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL YOU REAPPEAR IN COURT.

☒ TEMPORARY ORDER OF PROTECTION. Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of ☐ recognizance ☐ release on bail ☐ adjournment in contemplation of dismissal],
☐ ORDER OF PROTECTION. Whereas defendant has been convicted of [specify crime or violation]: _____

and the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law,
 IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:
 (Check applicable paragraphs and subparagraphs):

- ☒ Stay away from ☒ [name(s) of protected person(s) or witness(es)]: SOFA SAENZ 09-21-81
 and/or from the ☐ home of _____
☐ school of _____
☐ business of _____
☐ place of employment of _____
☐ other _____
- ☒ Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other means with [specify protected person(s)]: SOFA SAENZ 09-21-81
- ☒ Refrain from assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats or any criminal offense or interference with the victim or victims of, or designated witnesses to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named [specify]: SOFA SAENZ 09-21-81
- ☒ Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following: _____ Such surrender shall take place immediately, but no later than [specify date/time]: _____ at: _____
- ☒ Specify other conditions defendant must observe:
NO COMMUNICATIONS WITH PROTECTED IN ANY WAY

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby ☐ suspended or ☐ revoked (note: final order only), and/or ☐ the Defendant shall remain ineligible to receive a firearm license during the period of this order (Check all applicable boxes). NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252.

IT IS FURTHER ORDERED that this order of protection shall remain in effect until 08-17-07

DATED: 08-10-07

[Signature]
 JUDGE / JUSTICE
 COURT (COURT SEAL)

☐ Defendant advised in Court of Issuance of Order.
 Received by Defendant _____

☒ Service Executed Date: 8/10/07 Time: 1:35 hrs ☐ Warrant issued for Defendant

ORI No: NY059661J
 Order No: _____
 NYSID No: _____

At a term of the Harrison Court County of Westchester 10/02
 at the Courthouse at (address) Heineman Place State of New York

Present: Hon JUNE VORTSCH

People of the State of New York
 -against-

RALPH TANCREDI
 Defendant

Date of Birth: 03/20/1965

ORDER OF PROTECTION

Non-Family Offense - C.P.L. 530.13¹

(Not involving victims of domestic violence)

☐ Youthful Offender (check if applicable)

Part _____ Index/Docket No. _____

Indictment No., if any: _____

Charges _____

(Check one): ☐ Ex parte

☐ Defendant Present in Court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL YOU REAPPEAR IN COURT.

☒ TEMPORARY ORDER OF PROTECTION. Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of ☐ recognizance ☐ release on bail ☐ adjournment in contemplation of dismissal],
☐ ORDER OF PROTECTION. Whereas defendant has been convicted of [specify crime or violation]: _____

and the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law,
 IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:
 (Check applicable paragraphs and subparagraphs):

☒ Stay away from ☒ [name(s) of protected person(s) or witness(es)]: JOSHUA D. CLARK
 and/or from the ☐ home of _____
☐ school of _____
☐ business of _____
☐ place of employment of _____
☐ other _____

☒ Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other means with [specify protected person(s)]: JOSHUA D. CLARK
☒ Refrain from assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats or any criminal offense or interference with the victim or victims of, or designated witnesses to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named

[specify]: JOSHUA D. CLARK
☒ Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following: _____ Such surrender shall take place

immediately, but no later than [specify date/time]: _____ at: _____

☒ Specify other conditions defendant must observe: NO COMMUNICATIONS WITH COMPLAINANT IN ANY WAY.

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby ☐ suspended or ☐ revoked (note: final order only), and/or ☐ the Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes). NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252.

IT IS FURTHER ORDERED that this order of protection shall remain in effect until AUGUST 17th 2007

DATED: AUGUST 8th 2007

JUNE VORTSCH
 JUDGE/JUSTICE
 COURT (COURT SEAL)

☐ Defendant advised in Court of issuance of Order.
 Received by Defendant _____

☒ Service Executed Date: 8/9/07 Time: 1525

☐ Warrant issued for Defendant

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to the law shall constitute notice of the order.

ORI No: NY059661J
 Order No: _____
 NYSID No: _____

At a term of the Harrison Court County of Westchester
 at the Courthouse at (address) Heineman Place State of New York

Present: Hon JUNE VORTSCH

People of the State of New York
 -against-

RALPH TANCREDI
 Defendant

Date of Birth: 03/20/1965

ORDER OF PROTECTION
 Non-Family Offense - C.P.L. 530.13'
 (Not involving victims of domestic violence)
☐ Youthful Offender (check if applicable)
 Part _____ Index/Docket No. _____
 Indictment No., if any: _____
 Charges _____
 (Check one): ☐ Ex parte
☐ Defendant Present in Court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL YOU REAPPEAR IN COURT.

☒ TEMPORARY ORDER OF PROTECTION. Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of ☐ recognizance ☐ release on bail ☐ adjournment in contemplation of dismissal],
☐ ORDER OF PROTECTION. Whereas defendant has been convicted of [specify crime or violation]: _____

and the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law,
 IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:
 (Check applicable paragraphs and subparagraphs):

- ☒ Stay away from ☒ [name(s) of protected person(s) or witness(es)]: JOSHUA D. CLARK
 and/or from the ☐ home of _____
☐ school of _____
☐ business of _____
☐ place of employment of _____
☐ other _____
- ☒ Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other means with [specify protected person(s)]: JOSHUA D. CLARK;
- ☒ Refrain from assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats or any criminal offense or interference with the victim or victims of, or designated witnesses to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named [specify]: JOSHUA D. CLARK;
- ☒ Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following: _____ Such surrender shall take place immediately, but no later than [specify date/time]: _____ at: _____
- ☒ Specify other conditions defendant must observe: NO COMMUNICATIONS WITH COMPLAINANT IN ANY WAY.

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby ☐ suspended or ☐ revoked (note: final order only), and/or ☐ the Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes). NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252.

IT IS FURTHER ORDERED that this order of protection shall remain in effect until August 17th 2007

DATED: August 8th 2007

☐ Defendant advised in Court of Issuance of Order.
 Received by Defendant _____

JUNE VORTSCH
 JUDGE/JUSTICE
 COURT (COURT SEAL)

☒ Service Executed Date: 8/9/07 Time: 1525
☐ Warrant issued for Defendant

EXHIBIT “9”

Present: Hon. Marc J. Lust

People of the State of New York
-against-

Ralph A. Tancredi
Defendant

Date of Birth: 3/20/65

ORDER OF PROTECTION

Non-Family Offense - C.P.L. 530.13

(Not involving victims of domestic violence)

☐ Youthful Offender (check if applicable)

Part Index/Docket No. 0708-0623

Indictment No., if any:

Charges Harassment and

(Check one): ☐ Ex parte

☒ Defendant Present in Court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL YOU REAPPEAR IN COURT.

☒ TEMPORARY ORDER OF PROTECTION. Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of ☐ recognizance ☐ release on bail ☐ adjournment in contemplation of dismissal],
☐ ORDER OF PROTECTION. Whereas defendant has been convicted of [specify crime or violation]:

and the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law,
IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:
(Check applicable paragraphs and subparagraphs):

☒ Stay away from ☐ [name(s) of protected person(s) or witness(es)]: Sofia Saenz dob 9/21/81
and/or from the ☐ home of "
☐ school of "
☐ business of "
☐ place of employment of "
☐ other "

☒ Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other means with [specify protected person(s)]: Sofia Saenz 9/21/81

☒ Refrain from assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats or any criminal offense or interference with the victim or victims of, or designated witnesses to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named [specify]: Sofia Saenz 9/21/81

☒ Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following: Harverson P.D. Such surrender shall take place immediately, but no later than [specify date/time]: _____ at: _____

☐ Specify other conditions defendant must observe: _____

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby ☐ suspended or ☐ revoked (note: final order only), and/or ☐ the Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes). NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252.

IT IS FURTHER ORDERED that this order of protection shall remain in effect until 02/24/08.

DATED: 8/24/07

JUDGE/JUSTICE
COURT (COURT SEAL)

☒ Defendant advised in Court of issuance of Order.
Received by Defendant [Signature]
(signature)

☐ Service Executed Date: _____ Time: _____ ☐ Warrant issued for Defendant

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize, and in some situations may require, such officer to arrest a defendant who has violated its terms and to bring him or her before the Court to face whatever penalties may be imposed therefor.

Federal law provides that this order must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if it is established that the person against whom the order is sought an intimate partner of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 U.S.C. §§2265, 2266).

It is a federal offense to: cross state lines to violate an order of protection; cross state lines to engage in stalking, harassment or domestic violence; possess, purchase, ship, transfer or receive a handgun, rifle, shotgun or other firearm or ammunition following a conviction of a domestic violence misdemeanor involving the use or attempted use of physical force or a deadly weapon; or (except for military or law enforcement officers while on duty) possess, purchase, ship, transfer or receive a handgun, rifle, shotgun or other firearm or ammunition while an order of protection, issued after notice and an opportunity to be heard, that protects an intimate partner from assault, harassment, threatening and/or stalking, remains in effect (18 U.S.C. §§922(g)(8), 922(g)(9), 2261, 2261A, 2262).

¹ Use this form for non-family offense orders of protection, issued pursuant to CPL §530.13, that are not issued to protect victims of domestic violence, as defined by Social Services Law §459-a and thus are not entered onto the statewide domestic violence registry. See Exec. L. §221-a(1); CPL §530.13.

ORI No: NY059661J
Order No: Case 7:07-cv-07485-WCC Document 11-3 Filed 12/10/2007 Page 13 of 14
NYSID No: 88606980

At a term of the Harrison Court, County of Westchester
at the Court House at Harrison Town Court State of New York

PRESENT: Hon. Marc J. Lust

PEOPLE OF THE STATE OF NEW YORK

ORDER OF PROTECTION
Family Offenses - C.P.L. 530.12
Other Domestic Violence Crimes - C.P.L. 530.13
☐ Youthful Offender (check if applicable)

Part: Index/Docket No: 07090630
Indictment No if any: 07090632
Charges: Criminal Contempt 2nd PL 215.50(3)

☐ Ex Parte
☒ Defendant Present In Court
(check one)

Ralph A. Tancredi, Defendant
Date of Birth: 03/20/1965

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL YOU REAPPEAR IN COURT.

☒ TEMPORARY ORDER OF PROTECTION - Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of ☐ recognizance ☐ release on bail ☐ adjournment in contemplation of dismissal]
☐ ORDER OF PROTECTION - Whereas defendant has been convicted of [specify crime or violation]:

And the Court having made a determination in accordance with section CPL 530.12 of the Criminal Procedure Law,

IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:
(Check Applicable Paragraphs and Subparagraphs)

- [01] ☒ Stay away from [A] ☒ name(s) of protected person(s) or witnesses(s): Sofia Saenz dob 09/21/1981 and/or from the [B] ☒ home of Sofia Saenz dob 09/21/1981, [C] ☒ school of Sofia Saenz dob 09/21/1981, [D] ☒ business of Sofia Saenz dob 09/21/1981, [E] ☒ place of employment of Sofia Saenz dob 09/21/1981, [F] ☒ other Sofia Saenz dob 09/21/1981
- [14] ☒ Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other means with [specify protected persons]: Sofia Saenz dob 09/21/1981
- [02] ☒ Refrain from assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats, or any criminal offense against [specify name(s) of protected person(s), members of protected person's family or household, or person(s) with custody of child(ren)]: Sofia Saenz dob 09/21/1981
- [11] ☐ Permit [specify individual]: to enter the residence at [specify]: during [specify date/time]: with [specify law enforcement agency, if any]: to remove personal belongings not in issue in litigation [specify items]:
- [04] ☐ Refrain from [indicate acts]: that create an unreasonable risk to the health, safety, or welfare of [specify child(ren), family or household member]:
- [05] ☐ Permit [specify individual(s)]: entitled by a court order or separation or other written agreement, to visit with [specify child(ren)]: during the following periods of time [specify]: under the following terms and conditions [specify]:
- [12] ☒ Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including but not limited to the following Harrison Police Department Such surrender shall take place immediately, but in no event later than [specify date/time]: Immediately
- [99] ☒ Specify other conditions No direct or indirect contact with complainant. Do not direct a third party to contact Ms. Saenz on your behalf.

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law 400.00, is hereby [13A] ☐ suspended or [13B] ☐ revoked (note: final order only), and/or [13C] ☐ the Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes).

IT IS FURTHER ORDERED that this order of protection shall remain in effect until September 28, 2008 (specify date)

DATED: September 28, 2007

☒ Defendant advised in Court of issuance of Order.
Received by Defendant

(Defendant's signature)

JUDGE / JUSTICE
Court (Court Seal)

☐ Service Executed Date: Time: ☐ Warrant issued for Defendant

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize and in some situations may require, such officer to arrest a defendant who is alleged to have violated its terms and to bring him or her before the Court to face whatever penalties may be imposed therefor. Federal law provides that this order must be honored and enforced by state and tribal courts, including courts of a state the District of Columbia, a commonwealth, territory or possession of the United States, if it is established that the person against whom the order is sought has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 U.S.C. 2265, 2266).

It is a federal offense to: cross state lines to violate an order of protection; cross state lines to engage in stalking, harassment or domestic violence against an intimate partner or family member; possess, purchase, ship, transfer or receive a handgun, rifle, shotgun or other firearm or ammunition following a conviction of a domestic violence misdemeanor involving the use or attempted use of physical force or a deadly weapon; or (except for military or law enforcement offices while on duty) possess, purchase, ship, transfer or receive a handgun, rifle, shotgun or other firearm or ammunition while an order of protection, issued after notice and an opportunity to be heard that protects an intimate partner against assault, harassment, threatening and/or stalking, remains in effect (18 USC 922(g)(8,9), 2261, 2261A, 2262).

Present: Hon Marc J. Lust

People of the State of New York
-against-

Ralph A. Tancredi
Defendant

Date of Birth: 3/20/65

ORDER OF PROTECTION
Non-Family Offense - C.P.L. 530.13
(Not involving victims of domestic violence)
☐ Youthful Offender (check if applicable)
Part _____ Index/Docket No. 0708-0623
Indictment No., if any: _____
Charges Harassment and
(Check one): ☒ Ex parte
☐ Defendant Present in Court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL YOU REAPPEAR IN COURT.

☒ TEMPORARY ORDER OF PROTECTION. Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of ☒ recognizance ☐ release on bail ☐ adjournment in contemplation of dismissal],
☐ ORDER OF PROTECTION. Whereas defendant has been convicted of [specify crime or violation]: _____

and the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law, IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior: (Check applicable paragraphs and subparagraphs):

- ☒ Stay away from ☒ [name(s) of protected person(s) or witness(es)]: Joshua D. Clark - dob 6/30/81
and/or from the ☐ home of _____
☐ school of _____
☐ business of _____
☒ place of employment of _____
☐ other: _____
- ☒ Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other means with [specify protected person(s)]: Joshua D. Clark
- ☒ Refrain from assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats or any criminal offense or interference with the victim or victims of, or designated witnesses to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named [specify]: Joshua D. Clark
- ☒ Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following: Harrison P.D. Such surrender shall take place immediately, but no later than [specify date/time]: _____ at: _____
- ☐ Specify other conditions defendant must observe: _____

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby ☐ suspended or ☐ revoked (note: final order only), and/or ☐ the Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes). NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252.

IT IS FURTHER ORDERED that this order of protection shall remain in effect until 8/12/08

DATED: 9/5/07

McKenna
JUDGE/JUSTICE
COURT (COURT SEAL)

☐ Defendant advised in Court of issuance of Order.
Received by Defendant PO (signature)

☐ Service Executed Date: _____ Time: _____ ☐ Warrant issued for Defendant

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize, and in some situations may require, such officer to arrest a defendant who has violated its terms and to bring him or her before the Court to face whatever penalties may be imposed therefor.

Federal law provides that this order must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if it is established that the person against whom the order is sought an intimate partner of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 U.S.C. §§2265, 2266).

It is a federal offense to: cross state lines to violate an order of protection; cross state lines to engage in stalking, harassment or domestic violence; possess, purchase, ship, transfer or receive a handgun, rifle, shotgun or other firearm or ammunition following a conviction of a domestic violence misdemeanor involving the use or attempted use of physical force or a deadly weapon; or (except for military or law enforcement officers while on duty) possess, purchase, ship, transfer or receive a handgun, rifle, shotgun or other firearm or ammunition while an order of protection, issued after notice and an opportunity to be heard, that protects an intimate partner from assault, harassment, threatening and/or stalking, remains in effect (18 U.S.C. §§922(g)(8), 922(g)(9), 2261, 2261A, 2262).

1 Use this form for non-family offense orders of protection, issued pursuant to CPL §530.13, that are not issued to protect victims of domestic violence, as defined by Social Services Law §459-a and thus are not entered onto the statewide domestic violence registry. See Exec. L. §221-a(1); CPL §530.13.